

Message Text

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ACTION SS-25

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P R 090926Z MAR 77
FM AMEMBASSY TOKYO
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AMEMBASSY KUALA LUMPUR
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C O N F I D E N T I A L TOKYO 3318

EXDIS

GENEVA FOR LOSDEL

E.O. 11652: XGDS-3
TAGS: PLOS, MARR, EWWT, JA
SUBJECT: LOS - STRAITS AND JAPAN

REF: A) GENEVA 1553 (NOTAL); B) STATE 48783; C) GENEVA 1512;
D) TOKYO 2595; E) STATE 38097; F) TOKYO 2147

SUMMARY: EMBASSY AGREES THAT US SHOULD, IN RESPONSE TO GOJ
LOS CHIEFDEL FUJISAKI'S DEMARCHE IN GENEVA, REEMPHASIZE TO
GOJ VITAL IMPORTANCE WE ATTACH TO UNIMPEDED PASSAGE CONCEPT.
AS DOMESTIC DEBATE ON EXTENSION OF JAPANESE TERRITORIAL
SEA ENTERS CLIMACTIC STAGE, GOJ IS UNDER HEAVY PRESSURE TO
SHOW THAT IT NO LESS DEDICATED THAN OPPOSITION TO DEFENSE
OF "NON-NUCLEAR PRINCIPLES." EVIDENTLY SOME HERE HAVE HIT
ON NOTION OF GOJ PROMISE TO PROPOSE AMENDMENTS (PRESUMABLY
PRO FORMA) TO REVISED SINGLE NEGOTIATING TEXT (RSNT) AS
KEY TO SQUEEZING TERRITORIAL SEA BILL THROUGH DIET -- THEREBY
PROMPTING FUJISAKI'S REMARKS. TO PRECLUDE RISK OF GOJ
MAKING PUBLIC COMMITMENT DURING PERIOD BEFORE FUKUDA-CARTER
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SUMMIT (CABINET APPROVAL OF DRAFT LEGISLATION EXPECTED
BY MARCH 22), EMBASSY PROPOSES TO SEEK AT EARLIEST OPPORTUNITY
HIGH-LEVEL FONOFF CLARIFICATION OF FUJISAKI'S REMARKS, TAKING
OPPORTUNITY TO RESTATE OUR VIEWS ON UNIMPEDED PASSAGE. IF
RESPONSE UNSATISFACTORY, SUBJECT MIGHT APPROPRIATELY BE PURSUED
AT SUMMIT. END SUMMARY.

1. GOJ IS APPREHENSIVE OF TOUGH DIET FIGHT ON STRAITS ISSUE, AS REFLECTED IN JAPANESE LOS CHIEFDEL FUJISAKI'S SUGGESTION TO OXMAN THAT DIET APPROVAL FOR EXEMPTION OF CERTAIN "INTERNATIONAL" STRAITS FROM APPLICATION OF PENDING TWELVE-MILE TERRITORIAL SEA LEGISLATION MIGHT BE POSSIBLE ONLY IF GOJ PROMISED TO PROPOSE AT LOSC AMENDMENTS WHICH WOULD PROHIBIT OVERFLIGHT, SUBMERGED PASSAGE AND NUCLEAR WEAPONS (REF A,B,C). RELATED TO ITS APPREHENSION, GOJ HAS ALSO SOUNDED OUT EMBASSY ON ACCEPTABILITY TO US OF ITS SPECIFYING, IN TERRITORIAL SEA LEGISLATION, STRAITS WHICH WOULD BE PROVISIONALLY EXCEPTED FROM TWELVE-MILE SEA (REF D,E,F).

2. FUJISAKI'S DEMARCHE REFLECTS GOJ ASSESSMENT THAT TRILATERAL MALACCA STRAITS AGREEMENT ON TRANSIT RESTRICTIONS HAS GRAVELY UNDERCUT ITS CASE AGAINST IMPOSING RESTRICTIONS ON TRANSIT THROUGH "JAPANESE STRAITS." IN OTHER WORDS, GOVERNMENT WOULD FIND IT DIFFICULT TO ARGUE IN DIET THAT IT CANNOT IMPOSE RESTRICTIONS IN ITS OWN STRAITS WHEN IT HAS ACQUIESCED IN IMPOSITION OF RESTRICTIONS ON JAPANESE TANKERS TRANSITING MALACCA STRAITS.

3. WE UNDERSTAND THAT GOJ REGARDS SUPPORT OF AT LEAST TWO OF SMALL CENTRIST OPPOSITION PARTIES (NEW LIBERAL CLUB AND DEMOCRATIC SOCIALISTS) AS NECESSARY TO ATTAINMENT OF VIABLE NATIONAL CONSENSUS ON TERRITORIAL SEA LEGISLATION. FOREIGN OFFICE HAS TOLD EMBASSY (REF. D) THAT GOJ WOULD STAND FIRM ON UNIMPEDED TRANSIT REGIME FOR STRAITS, PENDING LOS TREATY. NOTION OF PROPOSING PRESUMABLY PRO-FORMA AMENDMENTS TO RSNT ARTICLES WOULD CONFIDENTIAL

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APPEAR DESIGNED TO SATISFY THESE PARTIES AND, MORE BROADLY, TO DEMONSTRATE TO ALL WHO FEAR STRAITS EXEMPTION WOULD ERODE NON-NUCLEAR PRINCIPLES THAT GOJ REMAINS DEDICATED TO KEEPING NATION NUCLEAR-WEAPONS FREE.

4. GOJ HAS PERIODICALLY TESTED OUR REFLEXES ON STRAITS REGIME: FUJISAKI RAISED SUBJECT WITH AMBASSADOR MAW LAST SUMMER AND AMERICAN AFFAIRS BUREAU SECURITY DIVISION RETURNED TO QUESTION LAST MONTH (REF F). OUR POSITION HAS BEEN CONSISTENT, AND FOREIGN OFFICE SHOULD BE CLEAR THAT US EXPECTS THAT GOJ TO REMAIN FIRM SUPPORTER OF UNIMPEDED TRANSIT REGIME FOR STRAITS. ALTHOUGH WE HAVE REFRAINED FROM MAJOR DEMARCHE (REF E) WE HAVE CLEARLY INDICATED OUR PREFERENCE NOT TO SPECIFY STRAITS BY NAME IN PENDING TERRITORIAL SEA LEGISLATION (REF D).

5. IN VIEW OF FUJISAKI'S REMARKS, EMBASSY AGREES IT WOULD BE DESIRABLE TO RESTATE OUR POSITION THAT UNIMPEDED PASSAGE REGIME FOR STRAITS IS SINE QUA NON FOR US

PARTICIPATION IN TREATY AND WE REGARD JAPANESE SUPPORT
AS CRUCIAL. FUKUDA-CARTER SUMMIT MAY BE TOO LATE,
HOWEVER. GOJ TASK FORCE IS UNDER INSTRUCTION TO SUBMIT
TERRITORIAL SEA LEGISLATION FOR CABINET CONSIDERATION
PRIOR TO MARCH 22, AND PRESS HAS REPORTED THAT DRAFT IS
NOW AGREED AMONG MINISTRIES. WE BELIEVE THAT OUR POSITION
CAN BE EFFECTIVELY AND APPROPRIATELY PRESENTED IN COMING
DAYS AT SENIOR LEVEL OF FOREIGN OFFICE, PEGGED TO REQUEST
FOR CLARIFICATION OF FUJISAKI'S REMARKS TO OXMAN. SHOULD
RESPONSE BE LESS THAN SATISFACTORY, US WOULD HAVE OPTION
OF ASKING GOJ TO DEFER DECISION PENDING SUMMIT CONSIDERATION
AND THEN TO PURSUE SUBJECT FURTHER EITHER AT SUMMIT OR
DURING AMBASSADOR RICHARDSON'S VISIT TO TOKYO.
SHOESMITH

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